IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3901 OF 2005

Sanjeev Rawat ..Applicant

Vs.

State of Maharashtra & Anr. ..Respondents

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Mr.S.V.Marwadi Advocate for Applicant
Ms.S.V.Gajare A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : AUGUST 29,2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is first informant in C.R.No. 461 of 1998 registered at Madhavnagar Police Station, Ujjain, Madhya Pradesh. He had lodged the complaint against Mr.Monji Shah and others under Sections 406, 409, 465, 467, 468, 471 and 120-B of IPC. Mr.Monji Shah had also lodged a complaint against the applicant in which the applicant is accused no.3. The said case is numbered as

634/PW/2004. It is pending before the learned Metropolitan Magistrate Railway Mobile Court, Andheri, Mumbai. There are some documents which are common in both the cases. In the complaint filed by Mr.Monji Shah, the investigation is over. However, in the complaint filed by the applicant at Madhavnagar, Ujjain the investigation is not yet completed as the documents are in the custody of Andheri Police Station in the case where the petitioner is accused no.3. The officer incharge of Madhavnagar Police Station preferred an application before the learned Metropolitan Magistrate, 10th Court, Andheri Mumbai that the documents seized by Andheri Police Station be handed over to them for investigation. The said application came to be rejected, hence, this application.

3. The Investigating Officer in the case of Andheri Police Station i.e. P.S.I. Damodar V.Bandekar has filed an affidavit wherein it is stated that the police are willing to hand over certified true copy made by the Inspector of Andheri Police Station of the documents which are

required by Madhavnagar Police Station. The list of documents is at page 37 to this application. In this view of the matter, Andheri Police Station to hand over certified copies made by the Officer of Andheri Police Station of the documents at page no.37. The said documents to be handed over to the learned Metropolitan Magistrate, Railway Court, Andheri, Mumbai within a period of ten days from today. The learned Metropolitan Magistrate in turn, to hand over the documents to Investigating Officer of Madhavnagar Police Station.

4. Mr.Marwadi stated that the main purpose for which the documents are required, is for seeking the opinion of Handwriting Expert. Mr.Marwadi submitted that if the Handwriting Expert is unable to give any opinion on the basis of certified copy, in such case, liberty be granted to the applicant to prefer a fresh application. Liberty as prayed for is granted.

5. Application is disposed of.

6. Authenticated copy be issued to the parties.

[V.K.TAHILRAMANI,J.]